

Notice of Allowability

Application No.

09/532,988

Examiner

Daniel J. Ryman

Applicant(s)

BARACH, DAVID

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 5/12/2005.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☒ The drawings filed on 25 August 2003 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2665

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Solomon on 6/23/2005.

The application has been amended as follows:

- In claim 1, line 9, "polled for the statistical data or for a reason" has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 10, line 8, "polled for the statistical data or for a reason" has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 10, line 15-16, "only if the age of the statistical data in the system controller was not timely sent" has been changed to --only if the statistical data in the system controller was not timely sent--.
- In claim 19, line 8, "polled for the statistical data or for a reason" has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.

Art Unit: 2665

- In claim 19, line 17-18, “only if the age of the statistical data in the system controller was not timely sent” has been changed to --only if the statistical data in the system controller was not timely sent--.
- In claim 20, line 10, “polled for the statistical data or for a reason” has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 26, lines 6-7, “polled for the statistical data or for a reason” has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 32, line 7, “polled for the statistical data or for a reason” has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 33, line 8, “polled for the statistical data or for a reason” has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.
- In claim 37, line 2-3, “instructions to make the statistical data available in the buffer as often as necessary” has been changed to --instructions to pregather the statistical data available as often as necessary--.
- In claim 39, line 7, “polled for the statistical data or for a reason” has been changed to --polled at times when polled for the statistical data and at other times when polled for a reason--.

Art Unit: 2665

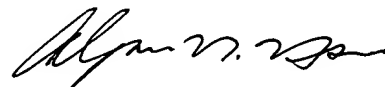
- In claim 40, line 4, "polled for the statistical data or for a reason" has been changed to
--polled at times when polled for the statistical data and at other times when polled
for a reason--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJR
Daniel J. Ryman
Examiner
Art Unit 2665



ALPUS H. HSU
PRIMARY EXAMINER